

Application No.: 10/775,372
Title: NAIL CLIPPERS
Attorney Docket No: 303.002

Examiner: Carolyn T. Blake
Group Art Unit: 3724

REMARKS

Claims 1 - 10 and 12 stand rejected under 35 USC §102 as being anticipated by *Idema*, U.S. Patent Number 4,809,431. Claims 1, 3-10, and 12 stand rejected under 35 USC §102 (b) as being anticipated by *Means*, U.S. Patent Number 5,392,518. Claims 1-8 and 13 stand rejected 13 USC §102(e) as being anticipated by *Sakai*, US Patent Application Publication Number 2004/0200073. Claim 11 stands rejected under 35 USC §102 (b) as being anticipated by, or in the alternative, under 35 USC §103(a) as being obvious over *Idema*.

Claims 1-13 are cancelled hereby. Claims 14-24 are added by way of amendment.

Newly added independent Claim 14 requires a) a first side dam having a generally vertical slot in the interior thereof; b) a second side dam having a generally vertical slot in the interior thereof; c) a blade that is pivotally mounted to a lower portion of an upper jaw, with the blade extending below the upper jaw and into the generally vertical slot of the first side dam and the generally vertical slot of the second side dam. Neither *Idema* nor *Means* teach side dams having generally vertical slots formed in an interior thereof. *Sakai* teaches slots 12a, however, the blade of *Sakai* does not travel within the slots.

Further, *Sakai* does not teach a blade that is pivotally mounted to a lower portion of the upper jaw. It is noted that the Office Action refers to a cover 6 of *Sakai* as being

an upper jaw. There is no indication that this cover is displaceable toward a lower tray, as required by Claim 1, now canceled, or new Claim 14. This cover appears to be just that, a cover, which is static during operation of the *Sakai* device.

Claim 15 depends from Claim 14, and requires that the blade travel generally perpendicular to the lower tray and within the slots.

Claim 16 depends from Claim 14 and requires that the lower tray of a bottom floor at the bottom floor have a slot in the interior thereof that receives a cutting edge of the blade. The lower tray (66) of *Idema* does not have a bottom floor that has a slot that receives a cutting edge. The lower floor of *Means* does not have a bottom floor that receives a cutting edge of the blade. *Sakai* does not disclose a lower tray having a slot that receives substantially all of the lower cutting edge of the blade.

Claim 17 requires a pivotal mounting of the blade to the upper jaw that is directly above the generally vertical slot in the first dam. *Idema* and *Means* do not teach generally vertical slots in the side dam. *Sakai* does not teach a pivotal mounting of a blade to an upper jaw where the pivotal mounting is directly above a vertical slot in the first side dam.

Claim 18 requires the cutting blade having a concave shape and a bottom floor of the lower tray have a corresponding convex shape that engages the lower cutting surface of the cutting blade. With regard to *Idema*, the bottom floor of the lower tray (66) does not have a convex shape, nor does the convex shape engage the concave

cutting blade at a lower cutting surface of the cutting blade. The cutting blade of *Means* does not engage a floor having a corresponding convex shape of the lower cutting surface of the cutting blade. The lower tray of *Sakai* does not have a bottom floor that has a corresponding convex shape that engages the lower surface of the cutting blade.

Claim 19 requires a second pivotal mounting that provides a pivotal relationship between the upper jaw and the lower tray. Neither *Idema*, *Means*, or *Sakai* teach a pivotal mounting of the upper jaw relative to the blade, and a second pivotal mounting of the upper jaw relative to the lower tray.

Claim 20 depends from Claim 19, and further requires a second pivotal mounting comprised of an axle that traverses a first mounting slot and a guide pin that traverses a second mounting slot. The upper jaw (14) of *Idema* is not pivotally mounted to said lower tray (66). *Means* does not show pivotal mounting that mounts the upper jaw (12) to the blade (28). Jaw (12) of *Means* is a performable leaf member and is not a pivot point. *Means* discusses the pivotal mounting of the rear free end (54), at column 3, lines 34-41, and in view of *Means* disclosure, the upper jaw cannot be considered to be in a pivotal relationship with blade (28).

Claim 21 requires an axle that traverses the length of a first mounting slot and a guide pin that traverses the length of a second mounting slot. *Means* does not teach an axle that **traverses** a length of the first mounting slot or a guide pin that **traverses** a length of a second mounting slot. The Office Action states that *Means* has a guide pin

(20) that traverses a second slot, but it is clear from *Means* that the pin (20) attaches member 16 to member 18, and there is no disclosure that pin (20) traverses a second slot. It is the position of the Office Action that *Means* discloses an axle (20) that has a first flat side that engages said slot and a second flat side that engages said slot. However, the Office Action fails to indicate how *Means* has an axle that traverses a length of a first mounting slot and a guide pin that traverses a length of a second mounting slot.

Claim 23 requires that the front portion of the upper jaw move rearwardly and downwardly as the blade is displaced toward the lower tray. This is accomplished by the present invention by the axle and slot arrangement, along with the requirement that the pivotally mounted blade traverse slots within the side dams. It is the position of the Office Action that the upper jaw moves (14) and *Idema* moves rearwardly and down as the blade is displaced (54) toward the lower tray. The blade of *Idema* clearly moves downwardly the column but there is no indication that the upper jaw 14 moves to the rear, and in fact, tray 66 would prevent such movement. This is also true of *Means*, which teaches an upper jaw that moves down as the blade (28) is displaced toward the lower tray (14), but there is no indication that the upper jaw moves rearwardly; rather the jaw seems to move forward, if at all, so that the blade cutting surfaces can mate. As shown in Figure 3, as the blade moves downwardly, the upper jaw would have to move further to the front due to the length of the upper jaw. The structure of the present

invention that permits the front portion of the upper jaw to move rearwardly and downwardly, while the blade travels generally vertically within the slots, is unique to the structure. The present invention could not be accomplished by the structure of *Idema* or *Means*, or any combination thereof.

A new drawing sheet as required is enclosed.

The rejection under 35 USC §112, second paragraph, is moot in view of the claims amendments.

The specification is objected to because of "informalities." The Examiner objects to the specification as referring to "upper" without referring to "lower", and vice versa, and requires correction. First, it is noted that this requirement is without citation to any statute or rule that supports the requirement. Second, to the degree that the objection is pursuant to 15 USC §112, the issue is whether or not one skilled in the art could understand the specification so as to make and use the invention as disclosed. The term "upper blade" is used repeatedly in the specification, and there is no corresponding "lower blade." However, one skilled in the art would understand that the "upper blade" contacts the "lower tray" in each case, and that the terms "upper" and "lower" express the relationship between these elements of the invention. Rather than creating confusion, these terms aid one skilled in the art in an understanding of the invention. Nonetheless, the application has deleted the term "upper" as referring to the

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blade, but declines to delete the term "lower" relative to the tray, since this term is important to an understanding of the invention. A new specification is enclosed.

It is respectfully submitted that Claims 14-24 are in condition for allowance. Review and allowance are requested.

Respectfully submitted,



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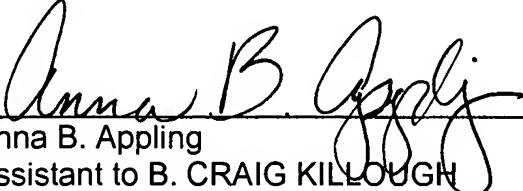
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CERTIFICATE OF MAILING

I hereby certify that this Response to the Office Action Dated January 4, 2006, and Post Card are being deposited with the United States Postal Service, with sufficient postage attached thereto, in an envelope addressed to: Mail Stop Amendment, Commissioner For Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on this 4th day of January 2006.



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